

**ATTORNEY GENERAL'S REPORT REGARDING THE JUNE 28,
2022 SHOOTING DEATH OF ISAAC LANDRY IN MANCHESTER,
NEW HAMPSHIRE**

I. INTRODUCTION

The Office of the Attorney General and the Manchester Police Department have concluded an investigation into the June 28, 2022, fatal shooting of Isaac Landry (age 22) at 1631 Elm Street in Manchester, New Hampshire. The investigation has determined that Jonathan Bright (age 34) shot Mr. Landry one time in the chest while in the parking lot of a Rite-Aid pharmacy. Mr. Bright claimed that he acted in self-defense. The purpose of this report is to summarize the Attorney General's findings and conclusions regarding Mr. Landry's death. The findings and conclusions set forth in this report are based on information gathered during the investigation, including witness interviews, physical evidence, photographs, and video surveillance.

As provided in RSA 626:7, I(a), when evidence is admitted establishing a defense of self-defense, the state must disprove such defense beyond a reasonable doubt. Based on the investigation of the shooting incident, the Attorney General finds that Mr. Bright was justified in using deadly force for self-defense. As such, no charges will be filed against Jonathan Bright in the shooting death of Isaac Landry.

II. SUMMARY OF THE FACTS

On the evening of June 28, 2022, police were dispatched to the Rite-Aid parking lot located at 1641 Elm Street in Manchester, after Mr. Bright called 911 to report a shooting. Upon arriving, officers encountered Jonathan Bright, who had his hands in the air as he surrendered himself to police. Officers observed a handgun in a holster that was

on Mr. Bright's waistband. Mr. Bright was taken into custody without incident and his handgun was secured by police. Investigators found Isaac Landry nearby, lying on the ground, non-responsive, with an apparent gunshot wound to his chest.

Police learned that before the shooting, Mr. Bright and his friend, Stephen Reischer were hanging out in the Rite-Aid parking lot. While the two men were standing on the sidewalk adjacent to the Rite-Aid building, Mr. Landry emerged from a group of trees and bushes on the periphery of the parking lot, and walked toward the two men armed with a large branch. When he was within 40-50 feet of the two men he charged at them, screaming and waving the large branch in the air, and smashing it against the ground. As he did this, the branch shattered into several pieces. Mr. Bright and Mr. Reischer fled from Mr. Landry. Mr. Reischer ran in between his and Mr. Bright's parked cars while Mr. Bright ran around the driver's side of his vehicle.

Mr. Landry ran past Mr. Reischer and after Mr. Bright. Since Mr. Landry had shattered the branch on the ground, it did not appear he had it in his hands when he continued chasing after Mr. Bright. As Mr. Landry got closer to Mr. Bright, Mr. Bright drew a handgun from a holster on his waistband. Mr. Bright gave repeated and audible warnings to Mr. Landry to stop chasing him and that he had a gun. Mr. Bright gave these warnings while backing away from Mr. Landry. Despite Mr. Bright's warnings, Mr. Landry continued to pursue him, screaming, and moving his body wildly as he did so. Mr. Landry got closer to Mr. Bright as they ran into the middle of the parking lot. As they did so, Mr. Bright turned, and began backpedaling away from Mr. Landry, and brought his handgun up toward Mr. Landry. Mr. Landry moved quickly and closed the distance

between himself and Mr. Bright, such that the two men were within arm's reach of one another. At that point, Mr. Bright fired his handgun and shot Mr. Landry in the chest.

Prior to Mr. Landry's attack, neither Mr. Bright nor Mr. Reischer knew Mr. Landry, or had any interactions with him. The whole incident lasted approximately thirty seconds.

III. THE INVESTIGATION

Since the incident on June 28, 2022, the Attorney General's Office and the Manchester Police Department have been investigating the facts and circumstances surrounding the shooting death of Mr. Landry. That investigation has entailed witness interviews; examination of the scene; and review of reports, photographs, physical evidence, surveillance video, and a recording of Mr. Bright's 911 call. Jonathan Bright and Stephen Reischer were both fully cooperative with the investigation. Mr. Bright immediately notified first responding officers of his conduct, turned over his firearm, and voluntarily participated in a recorded interview.

A. Emergency 911 Recorded Call

On June 28, 2022, Jonathan Bright called 911. The call lasted approximately three minutes and fifteen seconds. Mr. Bright explained that a man – later identified as Isaac Landry – came at him with a giant weapon, and that he told Mr. Landry several times to stop.

During the call, he provided his first account of what occurred. Mr. Bright said he was initially unsure what Mr. Landry was armed with, but later said that it was a giant stick. Mr. Bright described how Mr. Landry was swinging the giant stick and screaming. Mr. Bright explained how he began running backwards in the parking lot, and while

doing so, drew his handgun from his waistband. He was continuing to move backwards when he aimed his handgun at Mr. Landry and he repeatedly told Mr. Landry to stop. Mr. Landry did not comply. Mr. Bright told the 911 operator that he nearly fell backwards while retreating from Mr. Landry and that he “discharged” his handgun and shot Mr. Landry in the chest. Mr. Bright repeatedly urged the 911 operator to “hurry up” and send an ambulance and the police.

During the recording, Mr. Bright was heard instructing the man to lay flat, to not move, and to not get up. Mr. Bright identified himself to the 911 operator as “Jonathan.” When asked by the 911 operator where his firearm was, Mr. Bright answered that it was “holstered on him.” The 911 operator asked whether the man was seriously bleeding. Mr. Bright answered “yes” and again urged the operator to quickly send help.

B. Initial Response to 1631 Elm Street (Rite-Aid)

When responding officers arrived on scene, they observed a male lying face down in the middle of the parking lot with three people standing nearby. Officers asked who had the gun. Mr. Bright immediately identified himself as having the gun on his person. Mr. Bright had his hands lifted above his head, partially exposing his waistband. As a result, officers observed that he had a gun holstered on his hip. Officers gave Mr. Bright commands to place his hands on his head and turn away, which he complied with. Officers approached Mr. Bright, taking control of his hands, and seizing the gun from his hip. The gun was later identified as a tan colored Glock 19X with a flashlight affixed under the barrel. Officers secured the handgun in a police cruiser. Mr. Bright was subsequently detained and placed into handcuffs.

C. Stephen Reischer Interview

Detectives interviewed Stephen Reischer on June 29, 2022. During the interview, Mr. Reischer explained that on the evening of June 28, 2022, he was invited by Mr. Bright to the parking lot of Rite-Aid located on Elm Street in Manchester. Mr. Bright wanted to show Mr. Reischer his rental car, which was a Mercedes luxury sedan. Mr. Reischer explained that they have been friends for a few years, and it was common for he and Mr. Bright to meet and hang out in that parking lot due to their work schedules.

After Mr. Reischer arrived, he parked his car beside Mr. Bright's vehicle, and the two spoke to one another on the sidewalk on the side of the Rite-Aid building. At some point, Mr. Reischer noticed a man walking away from them, who yelled "shut the fuck up" to himself. Mr. Reischer observed that the man – who was later identified as Isaac Landry – began to hang out in a group of trees and bushes on the periphery of the Rite-Aid parking lot. He and Mr. Bright did not pay any further attention to Mr. Landry and did not interact with him at all.

Mr. Reischer estimated that one to two minutes later, Mr. Landry emerged from the parking lot's trees and bushes and began running towards them. Mr. Reischer estimated that Mr. Landry was 40-50 feet away before he began running at them. Mr. Landry was screaming and holding a tree branch. Mr. Reischer knew it was a tree branch because Mr. Landry slammed it on the ground, and a little section of it broke off. Mr. Reischer estimated that the tree branch was two to three inches in diameter and was approximately three feet long. Mr. Landry came very close to Mr. Reischer and Mr. Bright, which forced him to retreat between his and Mr. Bright's vehicles to escape. Mr. Landry pursued them around their cars, and Mr. Reischer began to run toward the entrance of Rite-Aid to escape him.

As he ran toward the entrance, Mr. Reischer heard Mr. Bright telling Mr. Landry to stop, and that he (Mr. Bright) had a gun. He turned around to look at Mr. Bright and Mr. Landry. Mr. Reischer saw that Mr. Bright's warnings did not appear to deter Mr. Landry, who continued to pursue Mr. Bright. He saw that Mr. Landry was about ten feet away from Mr. Bright when Mr. Bright began warning Mr. Landry. Mr. Landry continued to close the distance between him and Mr. Bright. Mr. Reischer saw Mr. Bright then had his handgun drawn and was walking backwards, but Mr. Landry was approaching Mr. Bright faster than Mr. Bright was walking backwards. He heard Mr. Bright give Mr. Landry another warning – telling him to stop – and when Mr. Landry did not stop, he saw and heard Mr. Bright fire his handgun. Mr. Reischer described Mr. Bright as having warned Mr. Landry loudly and repeatedly that he had a gun. After the gunshot, Mr. Reischer observed that Mr. Landry appeared as if he was going to continue chasing Mr. Bright, until he realized that he was shot. Mr. Reischer told detectives that when Mr. Landry initially started running at he and Mr. Bright, he thought Mr. Landry would physically attack them, he feared that bodily harm would happen, and he felt that he would be assaulted.

D. Michael Stapleford Interview

Detectives interviewed Michael Stapleford on June 29, 2022. On the evening of June 28, 2022, Mr. Stapleford was walking from his residence on Pennacook Street, and had just crossed the southeast corner of the Rite-Aid parking lot. When he was 50 feet into the parking lot, underneath a parking lot streetlight, he observed Mr. Bright and Mr. Reischer. Mr. Stapleford said that he remained in this position underneath the parking lot streetlight during the entire incident. According to Mr. Stapleford, Mr. Bright and Mr.

Reischer were speaking normally to one another, and talking on the sidewalk right against the Rite-Aid in front of their respective parked vehicles. Shortly after spotting the two men, he saw another person out of the corner of his left eye – Mr. Landry – walking from the southwest, Elm Street corner of the Rite-Aid parking lot, carrying what he described as a “big stick.” Mr. Stapleford said that when Mr. Landry appeared, Mr. Bright and Mr. Reischer did not act aggressively toward him and were minding their own business.

Mr. Stapleford saw Mr. Landry slam the big stick against the ground, and it broke into several pieces. Mr. Stapleford reported that Mr. Landry was walking at first, but then went into a full sprint towards Mr. Bright and Mr. Reischer, still holding the big stick. Mr. Stapleford described Mr. Landry’s movement as a “charge” and heard Mr. Landry start to scream aloud without screaming any actual words. He saw Mr. Bright and Mr. Reischer react by retreating between their parked cars. Mr. Stapleford told detectives that as Mr. Bright rounded the right-hand side of a car, he drew his handgun. He explained that he knew Mr. Bright drew his handgun because Mr. Landry’s face was lit up by the under-barrel flashlight of Mr. Bright’s handgun. Mr. Bright continued to retreat, and Mr. Landry still pursued him. Mr. Stapleford described Mr. Bright’s movement as backing away from Mr. Landry while facing him, and he heard Mr. Bright repeatedly tell Mr. Landry to “back away” and to “go away.”

Mr. Stapleford was unsure whether Mr. Landry still held the big stick immediately prior to the shooting. However, Mr. Stapleford recalled that Mr. Landry did

appear to move forward one last time¹ to attack Mr. Bright, at which point, Mr. Bright fired his handgun. Mr. Stapleford only heard and saw one gunshot.

Mr. Stapleford saw that Mr. Landry did not immediately go down after being shot and remained standing. He did not observe Mr. Bright immediately holster his handgun after the gunshot but did not hear or see Mr. Bright fire any additional shots. Mr. Stapleford heard Mr. Bright tell Mr. Landry to get on the ground for his own safety because he just been shot in the chest. He stated that as soon as Mr. Bright fired his handgun, he (Mr. Bright) immediately pulled out his phone to call the police. Once Mr. Bright connected with a 911 operator, Mr. Stapleford, who was close enough to overhear the phone call, said he heard Mr. Bright tell the operator that someone had been shot.

E. Lisa and Joseph Landry Interview

On June 29, 2022, detectives interviewed both Lisa and Joseph Landry, Mr. Landry's mother and father. They indicated that although Mr. Landry had never been formally diagnosed, they believed Mr. Landry had several conditions. Mr. Landry suffered from hearing loss as a child, and at one point wore a hearing aid, but had not worn it recently. They believed that Mr. Landry had bi-polar disorder, and had twice been a patient at the Concord State Hospital for in-patient care related to "episodes." They knew Mr. Landry was last at Concord State Hospital in April of 2022 under an involuntary emergency admission, after it was discovered that he was not taking his medication and skipped appointments. They knew Mr. Landry was having mental health struggles, but believed he was receiving treatment.

¹ Mr. Stapleford did not specify whether "one last time" meant that Mr. Landry stopped chasing Mr. Bright before attempting to attack him again.

F. Jonathan Bright Interview

Immediately following the shooting on June 28, 2022, Mr. Bright agreed to a voluntary interview with detectives from the Manchester Police Department. He explained that he had just picked up a rental car that night, a red Mercedes, because his car was being serviced. He contacted Mr. Reischer, asking if he wanted to meet up and see the rental car in the parking lot of Rite-Aid in Manchester. When Mr. Reischer arrived, they spoke with one another and examined Mr. Bright's rental car. Mr. Bright estimated that he met with Mr. Reischer an hour prior to the arrival of Manchester police officers.

Mr. Bright explained that while he and Mr. Reischer were talking, a man came out of the bushes, "went berserk," and darted towards them. He described Mr. Landry as screaming at the top of his lungs, yelling, and waving an object in his hands "very aggressively." Mr. Bright estimated that the object was approximately four feet long. Although Mr. Bright identified the object as a stick, he explained that given the high rate of speed at which Mr. Landry was waving it, at the time, he initially had no idea what it was. As Mr. Bright turned to Mr. Reischer to express his confusion at what was going on, Mr. Landry came "barreling" at them.

Mr. Bright stepped back and tried to walk toward his driver's side door, but Mr. Landry continued to chase after him. Mr. Bright wanted to get into his car and shut the door, but by this time, Mr. Landry had already pursued him to the driver's side of his vehicle, and he believed there was no way he would have enough time to unlock the door. He described Mr. Landry as flailing and making weird noises as he chased him.

Mr. Bright told Mr. Landry that he needed to stop as he continued to retreat from him. Mr. Bright explained that since there was no way to get into his car given how close Mr. Landry was, he tried to retreat by running in front of his car and deeper into the parking lot. He reiterated to Mr. Landry multiple times that he needed to stop as Mr. Bright passed the front of his car and continued to retreat. As he did so, Mr. Bright stated that he drew his handgun from its holster. Mr. Bright believed Mr. Landry was going to kill him. He turned on the under-barrel flashlight and he aimed his handgun at Mr. Landry's mid-chest, while back pedaling.

Mr. Bright gave Mr. Landry four or five more commands to stop. Despite these repeated warnings, Mr. Landry did not back down, and continued to rush toward him while screaming and flailing with both hands. Mr. Bright reported that Mr. Landry was then one and a half to two feet away from him; so close, that he had to tuck his hands into his chest to create distance, because if they were fully extended, Mr. Landry would have been approximately one inch from the gun barrel. At this point, Mr. Bright was unsure if Mr. Landry was going for his (Mr. Bright's) throat, or if he was trying to grab his handgun. Mr. Bright believed that Mr. Landry was going to kill him. Mr. Bright said this was when he fired his handgun, shooting Mr. Landry once in the chest. Mr. Bright stated that he only shot once and estimated that he had taken fifteen steps after he drew his handgun while telling Mr. Landry to stop before he fired it.

Mr. Bright explained that it was only after being shot that Mr. Landry stopped; he stopped, placed his hands to his chest, turned to Mr. Bright, and remarked that he shot him. Mr. Bright told Mr. Landry to put his hands on his head and not to move. He immediately pulled out his phone and began to call 911. As he dialed, Mr. Landry fell to

the ground. Mr. Bright stated that Mr. Landry attempted to lift his head up, but he (Mr. Bright) told him that he needed to lay flat. He explained that he told Mr. Landry to lay flat based on his training as a security guard on responding to being shot.

At one point while asked what he was thinking when Mr. Landry came at him, Mr. Bright described the entire situation as follows:

How quickly he [Mr. Landry] was moving it [the large stick], and how fast he was running at me, and the screaming, it was just immediate red flags, and again like I said, when he got to the point where he's like, now coming after me, and I have no idea why, and he's screaming at me, I literally felt as though I was going to be murdered by that guy. I have no idea why it happened, I have no idea where he came from, I have no idea what his motive was to initiate that entire process from the bush. It's probably the scariest thing I've ever seen in my entire life. I literally thought he was going to kill me if he got his hands on me or my gun at that point.

G. Digital Evidence

Detectives obtained copies of surveillance footage from Rite-Aid. Only two of Rite-Aid's surveillance cameras captured the incident. One camera (labeled by the surveillance software as "CAM1") is positioned above the entrance/exit of Rite-Aid, facing south. The other camera (labeled by the surveillance software as "CAM3") is on the southeast corner of the Rite-Aid building facing the southwest corner of the parking lot. The entire incident from when Mr. Landry emerged from the tree line, armed with a branch, to when he collapsed, lasted approximately 30 seconds.

CAM1 – Above Rite-Aid Entrance/Exit

Around timestamp 22:29:15², a male with a dark colored sweater and backpack exited the store, walked toward Elm Street, and out of frame. This male was later identified as Mr. Landry. At approximately 22:41:30, Mr. Landry, re-entered the frame

² This timestamp is taken from the surveillance footage itself.

from the right, wielding a large branch. Mr. Landry ran east across the parking lot and raised the large branch above his head.



**Figure 1 and 2 – Circled in red is the large branch that Mr. Landry was wielding while running.*

Eventually, Mr. Landry ran out of frame of this camera. The angle of this camera does not capture who Mr. Landry targeted when he began running toward Mr. Bright and Mr. Reischer. Fifteen seconds later, two men entered this camera's view from the left of the screen. One of the men was Mr. Landry and the other was later identified as Mr. Bright. Mr. Landry appeared to be pursuing Mr. Bright, and just as Mr. Landry closed-in on Mr. Bright, the two men separated. Just before they separated, Mr. Landry was within arm's reach of Mr. Bright.



**Figure 3 and Figure 4 – Images capturing Mr. Bright and Mr. Landry entering the frame. Mr. Bright is on the right and Mr. Landry is on the left.*

In the left image, the under-barrel flashlight of Mr. Bright's handgun can be seen shining upon the ground, circled in red. Mr. Landry's leg can be seen entering the frame. In the right image, Mr. Bright's flashlight glow has disappeared. Both his and Mr. Landry's silhouettes are near one another and can be seen at the edge of the frame. In both photos, Mr. Stapleford is standing beneath the streetlight near the top center portions of the images, circled in blue.

The footage from this camera did not capture the muzzle flash when Mr. Bright fired his firearm. Mr. Landry began to turn his body away from Mr. Bright, so he was bladed with his side facing Mr. Bright, who was holding a handgun. Mr. Landry appeared

to lift the bottom of his sweater to check his torso. Thirty seconds after Mr. Landry's charge began, he collapsed to the ground. At 22:42:10, Mr. Bright holstered his handgun.

CAM 3 – Southeast Corner of Rite-Aid Building³



**Mr. Bright's vehicle is parked beside the tree. Mr. Reischer's car is parked closer to the Rite-Aid entrance/exit doors. Standing on the sidewalk is Mr. Bright (left) and Mr. Reischer (right).*

At 21:32:15, Mr. Bright drove into the Rite-Aid parking lot and parked his vehicle beside the sidewalk and a tree adjacent to the Rite-Aid building. At 21:55:00, Mr. Reischer drove into the Rite-Aid parking lot and parked his vehicle next to Mr. Bright's vehicle. The two men began hanging out on the sidewalk on the side of the Rite-Aid building.

³ A blue glow – unrelated to the incident – repeatedly pulses throughout this footage, likely caused by a blue emergency light that was activated on the side of the Rite-Aid building before, during, and after the shooting. Although the footage can still be viewed, the blue glow does make the video challenging to watch. Screenshots in this report are taken as much as possible, in between pulses.

At 22:39:10 a man with dark colored hoodie exited the store. This man was later identified as Mr. Landry. He walked in the direction of the Elm Street driveway to the Rite-Aid parking lot, before exiting the view of this camera. Neither Mr. Bright, nor Mr. Reischer interacted with Mr. Landry. At 22:41:35, Mr. Landry ran across the parking lot toward Mr. Bright and Mr. Reischer. As Mr. Landry charged, Mr. Bright and Mr. Reischer retreated. Mr. Bright tried to escape on the driver's side of his parked vehicle, while Mr. Reischer ran in between his and Mr. Bright's vehicles. Mr. Landry waved the tree branch and slammed it on the ground.



**In this photo, Mr. Bright is running past the hood of his vehicle to retreat from Mr. Landry. Mr. Reischer had attempted to retreat between his vehicle and Mr. Bright's parked car. Mr. Reischer is obstructed in this image by a tree branch circled in red. Mr. Landry is on the sidewalk.*

Five seconds later, Mr. Landry pursued Mr. Bright and Mr. Reischer, and appeared to swing his tree branch down upon front driver's side corner of Mr. Reischer's car hood. At this point, Mr. Landry continued to pursue Mr. Bright, and passed Mr. Reischer. As Mr. Bright continued to run away from Mr. Landry, he drew his handgun, and activated the under-barrel flashlight.

ground now.” The video then ends. Based on witness interviews and surveillance footage from Rite-Aid, the slapping sounds are consistent with the time period Mr. Landry was seen smashing a large branch on the ground at the start of the incident.

H. Autopsy Results

On June 29, 2022, Chief Medical Examiner Jennie Duval performed an autopsy on Mr. Landry. Dr. Duval concluded that the cause of death was a single gunshot wound of the chest with perforation of heart, and the manner of death was homicide. Dr. Duval concluded that the path of travel for the projectile was front to back. During the autopsy, a projectile was removed from Mr. Landry’s back. As used by the Office of the Chief Medical Examiner, homicide is defined as the killing of one person by another.

I. Physical Evidence

When officers arrived on scene, they immediately began rendering medical aid to Mr. Landry. Investigators also conducted a search of the area and discovered a single, fired shell casing. The shell casing was identified as a nine-millimeter Winchester Luger+P. These were the same caliber and brand as the ammunition found inside of Mr. Bright’s handgun.

Investigators photographed several items of physical evidence at the crime scene the morning after the shooting. Among those items were several broken pieces of wood around Mr. Bright’s and Mr. Reischer’s respective vehicles. These pieces of wood appeared to be part of a larger tree branch.

Following the shooting, the Manchester Police Department seized Mr. Bright’s handgun. Mr. Bright’s handgun was identified as a nine-millimeter Glock 19X.

These discoveries led investigators to conclude that the physical evidence corroborated Mr. Bright's statement that Mr. Landry chased him around his (Mr. Bright's) vehicle while waving a large branch, which shattered when Mr. Landry slammed it onto the ground. It also provides an explanation as to why immediately before Mr. Bright fired his handgun, he no longer saw a large branch in Mr. Landry's hands, because it had shattered into several pieces, meaning it is likely Mr. Landry no longer had anything in his hands.

IV. APPLICABLE LAW AND LEGAL STANDARDS

New Hampshire's laws regarding self-defense are set forth in RSA Chapter 627. RSA 627:4, physical force in defense of a person, contains several variants that set forth when an actor may lawfully use deadly force to protect himself or others in certain circumstances. Only one of those variants of self-defense are potentially relevant to this review:

A person is justified in using deadly force upon another person when he reasonably believes that such other person ... [i]s about to use unlawful, deadly force against the actor or a third person.

RSA 627:9, II(a).

New Hampshire's self-defense laws also mandate that deadly force is not justified if the individual had a duty to retreat:

A person is not justified in using deadly force on another to defend himself or herself or a third person from deadly force by the other if he or she knows that he or she and the third person can, with complete safety ... [r]etreat from the encounter, except that he or she is not required to retreat if he or she is within his or her dwelling, its curtilage, or anywhere he or she has a right to be, and was not the initial aggressor.

RSA 627:4, III(a).

Some of these terms used in each of the statutory provisions need to be further defined. The law defines “deadly force” as “any assault or confinement which the actor commits with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily injury.” RSA 627:9, II. “Non-deadly force” means “any assault or confinement which does not constitute deadly force.” RSA 627:9, IV. “Unlawful force” means “deadly or non-deadly force.” *N.H. Criminal Jury Instructions - 1985*, 3.11.

“Self-defense does not require an actual danger to the [actor]. Rather, the [actor] must reasonably believe that the other person was about to use unlawful, deadly force [or unlawful force in the case of RSA 627:4, II(b) and (d)].” *N.H. Criminal Jury Instructions - 1985*, 3.11; *see also State v. Gorham*, 120 N.H. 162, 163-64 (1980). Therefore, a mistaken use of deadly force could still be justified under the law, if that mistake was reasonable. The term “reasonable” is “determined by an objective standard.” *State v. Leaf*, 137 N.H. 97, 99 (1993). As such, all of the circumstances surrounding an incident are to be considered in determining whether the actor had a reasonable belief that deadly force was necessary to defend himself or another.

When reviewing a deadly force incident, the actor’s conduct should be viewed considering “the circumstances as they were presented to him at the time, and not necessarily as they appear upon detached reflection.” *N.H. Criminal Jury Instructions - 1985*, 3.10. In other words, when analyzing the reasonableness of an actor’s use of deadly force, the inquiry must focus on the situation from the standpoint of a reasonable person facing the same situation. That examination cannot be made with the benefit of hindsight.

The amount of deadly force used by the actor to protect himself or others must also be reasonable, and not excessive. *See State v. Etienne*, 163 N.H. 57, 70 (2011).

V. ANALYSIS AND CONCLUSION

Based on all the facts and circumstances of this case, the Attorney General has concluded that Mr. Bright was justified in his use of deadly force in self-defense under RSA 627:4, II and III(a).

In this case, Mr. Bright was in a public place where he was authorized to be – the parking lot of the Rite-Aid pharmacy. Mr. Bright did not antagonize nor interact with Mr. Landry whatsoever prior to Mr. Landry’s attack. Mr. Landry approached Mr. Bright within 40-50 feet, armed with a four-foot-long branch. Without explanation or provocation, Mr. Landry then charged Mr. Bright waving the branch above his head, smashing it against the ground, and screaming loudly. While not required to retreat as a matter of law, Mr. Bright attempted to retreat twice: once by running to the driver’s side of his vehicle; and – when he believed he could not get into his car safely – a second time by running away from Mr. Landry, deeper into the parking lot.

As Mr. Bright ran away into the parking lot, he drew his handgun. Mr. Landry continued to pursue him. At this point, Mr. Bright turned and faced Mr. Landry while back pedaling, attempting to keep some distance between them. As he back pedaled, he aimed his handgun at Mr. Landry, while giving repeated audible warnings to Mr. Landry to stop chasing him. He also yelled that he had a gun. Witnesses explained how quickly Mr. Landry closed the gap between him and Mr. Bright, ignoring all warnings from Mr. Bright; so quickly that he was within arm’s reach of him at the time Mr. Bright fired, despite Mr. Bright continuing to retreat away from him.

Under New Hampshire law, Mr. Bright had no duty to retreat because he lawfully had a right to be in the public parking lot of the Rite-Aid, but eyewitnesses and video footage showed he did try to retreat from Mr. Landry's attack. Based on the evidence gathered, there were no other apparent avenues he could have taken to retreat with complete safety.

It was objectively reasonable for Mr. Bright to conclude that Mr. Landry constituted an imminent threat of unlawful deadly force to him when he shot Mr. Landry on June 28, 2022. At that moment, and although unarmed, Mr. Landry was within arm's reach of Mr. Bright, and thus capable of causing physical contact with Mr. Bright. Everything that Mr. Landry had done up to that point can be objectively viewed as posing an imminent and deadly threat. First, Mr. Landry launched his attack upon Mr. Bright unprovoked. Second, Mr. Landry sustained his pursuit of Mr. Bright despite continued and repeated demands by Mr. Bright that he stop. Third, Mr. Landry's pursuit of Mr. Bright persisted through Mr. Bright's warnings that he (Mr. Bright) had a handgun and visibly brandished this handgun to Mr. Landry, even shining the underbarrel flashlight on him. Finally, Mr. Bright last saw Mr. Landry armed with a large branch, which he described Mr. Landry as swinging wildly and rapidly, while he screamed incoherently, and while Mr. Landry was quickly closing the distance between them. Moreover, Mr. Landry had both opportunity and ability to use deadly physical force upon Mr. Bright. Given how quickly Mr. Landry closed the distance between them, and being in such close proximity to Mr. Bright, he could gain control of Mr. Bright's handgun and use it against him. Therefore, we conclude that Mr. Bright objectively and reasonably believed that Mr. Landry was about to use deadly force.

Accordingly, based on all the facts and circumstances known to Mr. Bright at the time he encountered him, it was reasonable for Mr. Bright to conclude that Mr. Landry was about to use deadly force against him. Therefore, no criminal charges will be filed against Mr. Bright in connection with the shooting of Mr. Landry as Mr. Bright justifiably used deadly force to defend himself.